tions, enteritis accompanied by much mucus, dizziness, anorexia, marked apathy, spots in front of the eyes, lowered muscular tone in the intestine with atony and constipation, irritation and spasm with diarrhea and excessive production of flake mucus diverticulosis, ulceration, visceroptosis, sluggish liver, and abnormal liver function. The device did not constitute an adequate and effective means of treatment for such symptoms, diseases, and conditions. The device was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: October 17, 1952. J. B. L. Cascade, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling, under the supervision of the Federal Security Agency.

3900. Misbranding of Oxydonor device. U. S. v. 7 Boxes, etc. (F. D. C. No. 33879. Sample No. 36277-L.)

LIBEL FILED: September 22, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: During January 1952, by the Hydrotonic Co., from New York, N. Y.

PRODUCT: *Oxydonor device.* 7 boxes, each containing 1 device and 1 copy of a booklet entitled "Brief Directions for the Use of Oxydonor," at Cleveland, Ohio, together with a number of booklets entitled "Oxydonor No. 2 and Binora."

Examination showed that the device consisted of a hollow metal cylinder filled with an iron compound, such as iron carbonate or iron oxide, into one end of which was screwed a plug to which was attached a length of wire. The distal end of the wire was attached to a metal disc, to which was attached also an elastic tape by means of which the disc could be held against the user's body.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklets were false and misleading. The statements represented and suggested that the device would act effectively to cure all forms of disease, including nervous prostration, Bright's disease, rheumatism (sciatic, muscular, inflammatory), stomach trouble, catarrh, indigestion, dysentery, lung trouble, erysipelas, diphtheria, bronchitis, dropsy, ulcers, tumors, abscesses, spinal disease, blood poison, liver, kidney, and bladder disease, all fevers, pneumonia, la grippe, colds, headaches, appendicitis, paralysis, and diseases of women and children. The device would not act effectively against such diseases. The article was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: November 25, 1952. Default decree of condemnation and destruction.

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PRODUCTS

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3901–3920

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 1, 1953.*

CONTENTS*

*For presence of a habit-forming narcotic without warning statement, see No. 3901; omission of, or unsatisfactory, ingredients statements, Nos. 3901, 3912; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3901, 3912; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3901, 3912.

257492—53

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3901. Misbranding of sulfadiazine tablets, Nembutal Sodium capsules, Tuinal capsules, diethylstilbestrol perles, and Dexedrine Sulfate tablets. U. S. v. Henry R. Namour and John C. Wicks. Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 30025. Sample Nos. 76416–K, 76417–K, 77107–K to 77109–K, incl., 77112–K, 77131–K, 77132–K.)

INFORMATION FILED: September 11, 1951, Eastern District of Arkansas, against Henry R. Namour, a partner in the partnership trading as Henry's Drug Store, Helena, Ark., and John C. Wicks, pharmacist for the firm.

INTERSTATE SHIPMENT: From the States of Missouri, Tennessee, Indiana, and Pennsylvania, into the State of Arkansas, of quantities of *sulfadiazine tablets, Nembutal Sodium capsules, Tuinal capsules, diethylstilbestrol perles,* and *Dexedrine Sulfate tablets.*

ALLEGED VIOLATION: On or about March 7, 8, and 9, 1950, while the drugs were being held for sale after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

John C. Wicks was charged with the violations involved in the first 5 counts of the information, and Henry R. Namour was charged with the violations involved in the remaining 3 counts.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs bore no labels containing accurate statements of the quantity of the contents and, with the exception of 1 lot of *Tuinal capsules* and the *diethylstilbestrol perles,* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (d), the *Nembutal Sodium capsules* and the *Tuinal capsules* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *Dexedrine Sulfate tablets* bore no label containing the common or usual name of the drug; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: September 18, 1951. Pleas of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendants on probation for 1 year.

3902. Misbranding of Pabst Okay Special. U. S. v. 33 Bottles * * *. (F. D. C. No. 34094. Sample No. 35968–L.)

LIBEL FILED: November 3, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 26, 1952, by Myers Laboratories, Inc., from Warren, Pa.